

1  
2 UNITED STATES DISTRICT COURT  
3 DISTRICT OF NEVADA

4 KITRICH A. POWELL,  
5 Petitioner,  
6  
7 v.

8 WILLIAM GITTERE, *et al.*,  
9 Respondents.  
10

Case No. 2:06-cv-01264-KJD-DJA

**ORDER**

11  
12 In this capital habeas corpus action, the petitioner, Kitrich A. Powell, represented  
13 by appointed counsel, filed a second amended habeas petition (ECF No. 105) on  
14 February 22, 2021. The respondents were due to respond to the second amended  
15 petition by May 24, 2021. See Order entered August 24, 2020 (ECF No. 100) (90 days  
16 for response).

17 In the meantime, on April 13, 2021, Powell filed a motion for stay (ECF No. 108),  
18 under *Ryan v. Gonzales*, 568 U.S. 57 (2013), on account of his alleged incompetency.  
19 Respondents' response to that motion is currently due on May 27, 2021. See Order  
20 entered April 29, 2021 (ECF No. 113). In view of the nature of that motion, and the fact  
21 that Respondents have been under a deadline for their response to the second  
22 amended petition, the Court will *sua sponte* extend the deadline for the motion for stay  
23 by 35 days.

24 Also on April 13, 2021, Powell filed a motion for leave of court to file under seal  
25 two exhibits in support of his motion for stay, both of which are letters from Powell to his  
26 counsel (ECF No. 110). Respondents' response to that motion is also currently due on  
27 May 27, 2021. See *id.* The Court will *sua sponte* extend by 15 days the deadline for  
28 response to the motion for leave to file the exhibits under seal.

1 On May 24, 2021, Powell filed a motion to suspend the briefing of the second  
2 amended habeas petition pending the resolution of the motion for stay (ECF No. 114).  
3 Powell's counsel informs the Court that Respondents do not oppose this motion. In view  
4 of the allegation that Powell is currently incompetent, and the pending motion for a stay  
5 on that ground, the Court will grant the motion to suspend the briefing of the second  
6 amended petition.

7 **IT IS THEREFORE ORDERED** that Respondents' Motion to Suspend Briefing  
8 Schedule (ECF No. 114) is **GRANTED**. Respondents' response to the second amended  
9 petition, along with the further briefing of the second amended petition, is suspended  
10 pending the resolution of the motion for stay. Deadlines for the response to the second  
11 amended petition, and further briefing of the second amended petition, will be reset if  
12 and when that becomes necessary.

13 **IT IS FURTHER ORDERED** that Respondents will have until and including  
14 June 11, 2021, to respond to Petitioner's Motion for Leave to File Under Seal (ECF No.  
15 110). Petitioner will have 15 days to file a reply to the response to that motion.

16 **IT IS FURTHER ORDERED** that Respondents will have until and including  
17 July 1, 2021, to respond to Petitioner's Motion to Stay Capital Habeas Proceedings  
18 (ECF No. 108). Petitioner will have 30 days to file a reply to the response to that motion.

19  
20 DATED THIS <sup>25</sup> day of May, 2021.

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22  
23 KENT J. DAWSON,  
UNITED STATES DISTRICT JUDGE